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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/730,221	12/05/2000	Andrew C. Walton	10001626-1	9166
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EXAMINER
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MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/730,221

**Applicant(s)**

WALTON ET AL.

**Examiner**

Joseph R. Maniwang

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/05 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "the portion". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleinsorge et al. (U.S. Pat. No. 6,226,734), hereinafter referred to as Kleinsorge.
7. Regarding claims 1 and 12, Kleinsorge disclosed a method and system comprising (a) reaching a first rendezvous state (see column 32, lines 17-25); (b) delaying to allow other cells associated with said partition to reach said initial rendezvous state (see column 32, lines 17-25); and (c) transitioning to a second rendezvous state (see column 32, lines 17-25); wherein cells of said portion independently execute steps (a) through (c) in parallel (see column 29, lines 44-53). Kleinsorge further disclosed a processor and a firmware device as claimed (see column 11, lines 33-46).
8. Regarding claims 2 and 20, Kleinsorge disclosed delaying until a predetermined time, another cell of the portion reaches the second rendezvous state, or all cells of said configured set of cells reach the first rendezvous state (see column 32, lines 17-25).
9. Regarding claims 3, 13, and 14, Kleinsorge disclosed constructing a set of detected cells associated with said partition that have reached a rendezvous state (see column 32, lines 17-25); and writing said local rendezvous set to a visible location (see column 28, lines 57-62); wherein cells associated with said partition that have reached

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said second rendezvous state independently execute steps (d) through (e) in parallel (see column 29, lines 44-53).

10. Regarding claims 4 and 15, Kleinsorge disclosed constructing a global rendezvous set from constructed local rendezvous sets, wherein the global rendezvous set represents a logical intersection of said constructed local rendezvous sets (see column 10, lines 1-26).

11. Regarding claim 5, Kleinsorge disclosed determining a core cell from said global rendezvous set (see column 11, lines 60-64).

12. Regarding claims 6 and 16, Kleinsorge disclosed determining compatible cells of said global rendezvous set as an alive set, wherein said step of determining compatible cells is performed by said core cell (see column 12, lines 27-37).

13. Regarding claims 7 and 17, Kleinsorge disclosed limiting adverse transactions (see column 32, lines 17-25).

14. Regarding claim 8, Kleinsorge disclosed establishing an operating system on a partition (see column 7, lines 25-39).

15. Regarding claims 9 and 18, Kleinsorge disclosed utilizing complex information for identifying other cells of the configured set (see column 11, line 47 through column 12, line 37).

16. Regarding claim 10, Kleinsorge disclosed complex information obtained from a service processor (see column 9, lines 55-60).

17. Regarding claims 11 and 19, Kleinsorge disclosed the use of a cache (see column 10, lines 27-43).

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18. Regarding claim 21, Kleinsorge disclosed a method comprising setting a respective register, by each cell, to indicate completion of a subset of boot operations (see column 8, line 47 through column 9, line 5; column 9, lines 40-53); transitioning to a partition formation state, by each cell, at the earliest of (i) an expiration of a timer, (ii) all cells, within the same partition as indicated in said configuration data, setting their respective registers, and (iii) another cell within the same partition indicating transition to said partition formation state (see column 32, lines 17-25); attempting to determine, by each cell, which other cells belonging to the same partition, have transitioned to said partition formation state to generate a respective local partition set (see column 11, line 47 through column 12, line 37); writing, by each cell, said local partition sets to a globally accessible location (see column 28, lines 57-62); delaying, by each cell, an amount of time after performing said writing (see column 29, lines 1-9); and forming partitions using common information in said local partition sets (see column 9, lines 6-18).

19. Regarding claim 22, Kleinsorge disclosed resetting cells that are identified as belonging to a partition in said configuration data and that are not identified in common information in said local partition sets (see column 9, lines 40-54).

20. Regarding claim 23, Kleinsorge disclosed the method wherein a copy of said configuration data is stored on each cell (see column 9, lines 6-18).

21. Regarding claim 24, Kleinsorge disclosed the method further comprising operating a service processor to update copies of said configuration data on said cells before said transitioning is performed (see column 9, lines 6-18).

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22. Regarding claim 25, Kleinsorge disclosed the method further comprising analyzing, by each cell, its respective copy of said configuration data to identify data corruption within said copy of configuration data (see column 9, lines 6-18).

23. Regarding claim 26, Kleinsorge disclosed the method further comprising programming logic coupled to said cells to limit input/output (IO) transactions between cells (see column 11, lines 13-31).

24. Regarding claim 27, Kleinsorge disclosed the method further comprising initializing a respective operating system on each partition (see column 7, lines 25-39).

### ***Response to Arguments***

25. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection. Examiner submits that the claims are taught by the prior art as detailed in the above rejection under 35 U.S.C. 102(e).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noel et al. (U.S. Pat. App. Pub. 2002/0016891)

Diesing et al, (U.S. Pat. No. 6,701,360)

Zalewski et al. (U.S. Pat. No. 6,260,068)

Kleinsorge et al. (U.S. Pat. No. 6,247,109)

Kauffman (U.S. Pat. App. Pub. 2002/0032850)

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Kauffman (U.S. Pat. No. 6,633,916)

Zalewski et al. (U.S. Pat. No. 6,542,926)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

  
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